IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the May 9th, 2006

Criminal Misc. Bail Application No. 470 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Harish Singh Bisht
S/o Sri Kishan Singh Bisht
R/o Village Jalthakot
Patwari Circle Ghinghartola
Tehsil & District Bageshwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 04 of 2005
Under Sections 302 IPC
Patwari Circle Ghinghartola
District –Bageshwar

Hon'ble J.C.S.Rawat,J.

Heard Sri U.S. Kalakoti learned counsel for the applicants, Sri A.S. Gill & Sri Pradeep Hairiya learned counsel for the complainant and learned A.G.A.for the State.

Perused the record. The case rests upon the circumstantial evidence. There is last scene evidence of Jeewan Singh and Kripal Singh, who had seen the deceased in the company of the accused in the shop of Khem Singh on 31.11.2005. Thereafter, the deceased was found dead. Other circumstance, which goes against the applicant, is the extra-judicial confession before Dhan Ram and Kundan Ram who belong to the village of the deceased and accused. It was contended that if the extra-judicial confession was made before the above-named person, they would have come forward. It was contended that the statement of Dhan Ram recorded by the earlier I.O. on 03.12.2005 does not contain the extra-judicial confession. It was further contended that the extra-judicial confession cannot be relied upon. It was contended that Kundan did not state this fact to anybody till the facts, contentions and circumstances of the case, it is a fit case of bail.

Let the applicant-accused be released on bail on executing a personal bond each and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(J.C.S.Rawat,J.)

Dated 09.06.2006
LSR